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*Attorneys for Defendants Thomas Cleary and
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UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

-----	x	
KEITH MURRAY,	:	
	:	
Plaintiff,	:	NO. 08-CV-02160 (LAK)
	:	
-against-	:	
	:	<u>NOTICE OF MOTION</u>
UNITED PARCEL SERVICE OF AMERICA, INC.,	:	
UNITED PARCEL SERVICE, INC., UNITED	:	
PARCEL SERVICE CO., THOMAS CLEARY	:	
AND JILLIAN DEDIER,	:	
	:	
Defendants.	:	
-----	x	

PLEASE TAKE NOTICE that, upon the accompanying Memorandum of Law on Behalf of Defendants Thomas Cleary and Jillian Dedier in Support of Motion to Dismiss the Complaint Under Fed. R. Civ. P. 12(b)(2) and 12(b)(5), Affidavit of Thomas Cleary, Affidavit of Jillian Dedier, Declaration of Evandro C. Gigante, Esq., including the attachments thereto, and all prior pleadings and proceedings herein, the undersigned attorneys for Defendants Thomas Cleary and Jillian Dedier, will move this Court at such time as the Court designates, before the Honorable Lewis A. Kaplan, at the United States Courthouse located at 500 Pearl Street, New York, New York 10007 for an ORDER pursuant to Rules 12(b)(2) and 12(b)(5) of the Federal Rules of Civil Procedure granting Defendants Cleary and Dedier's motion to dismiss as to all claims against

them because Plaintiff has failed to properly serve Defendants in the manner, and within the time limits, prescribed by the Federal Rules of Civil Procedure and the New York Civil Practice Law and Rules.

PLEASE TAKE FURTHER NOTICE that pursuant to Rule 6.1(b) of the Local Rules of this Court, opposing memoranda shall be served upon the undersigned by June 18, 2008.

Dated: New York, New York
June 4, 2008

By: 

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UNITED STATES DISTRICT COURT
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KEITH MURRAY,	:	
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Plaintiff,	:	NO. 08-CV-02160 (LAK)
-against-	:	
	:	
UNITED PARCEL SERVICE OF AMERICA, INC.,	:	
UNITED PARCEL SERVICE, INC., UNITED	:	
PARCEL SERVICE CO., THOMAS CLEARY AND	:	
JILLIAN DEDIER,	:	
	:	
Defendants.	:	x

CERTIFICATE OF SERVICE

I, Evandro C. Gigante, hereby certify that on June 4, 2008, I caused true and correct copies of the following :

1. Notice of Motion
2. Affidavit of Thomas Cleary
3. Affidavit of Jillian Dedier
4. Declaration of Evandro C. Gigante, Esq.
5. Memorandum of Law on Behalf of Defendants Thomas Cleary and Jillian Dedier in Support of Motion to Dismiss to Complaint Under Fed. R. Civ. P. 12(b)(2) and (12)(b)(5)

to be served via United Parcel Service Overnight Delivery upon the following:

Adam Richards
ADAM RICHARDS LLC
40 Fulton Street, 7th Floor
New York, New York 10038
Attorney for Plaintiff

Dated: New York, New York
June 4, 2008

By: _____



Evandro C. Gigante (EG-7402)

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